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A HISTORY OF FACILITIES, PROGRAMS, AND SERVICES
FOR UTAH'S WOMEN INMATES

KENNETH B. SHULSEN

1996

A History of Facilities, Programs, and Services
for Utah's Women Inmates

by

Kenneth B. Shulsen

A Plan B paper submitted in partial fulfillment
of the requirements for the degree

of

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in

History

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Preface

I spent my first night behind bars when I was about ten years old. My father was the associate warden at the Utah State Prison, and had been called to the prison because of an emergency. Since my mother was out of town, I had the opportunity to accompany my father to the prison. I will never forget the overwhelming feeling as the huge iron bars opened and we were admitted to the penitentiary. I was instantly introduced to screams and profanity from the inmates, I felt like I had left Utah and entered a strange new world, indeed I had. Fortunately for me, I spent the remainder of the night in my father's office. Yet, I recall wondering what the men and women had done to end up in this miserable place. The events of that night sparked an interest in prisons that has lasted until the present.

This paper is the culmination of the fascination I have had with penal institutions since my youth. Writing on the Utah prison as partial fulfillment of my Masters degree was a natural topical choice. Once I began to research the prison, and study what other scholars had produced on the subject, I noticed a gap in the historiography. Several historians had written about Utah's penal history, but, there was little if any mention of prison conditions,

programs and services, or facilities designed specifically for women inmates. To tell the saga of female prisoners in Utah, the development of penal institutions for men and women on a national level, the philosophical and religious ideology behind the settlement of the Salt Lake valley, and the establishment of prison facilities in Utah must first be told. Once the grassroots have been discussed, the unique history concerning women inmates in Utah can be presented. This work is an attempt to bring to light the long struggle for penological equality women have endured in the Utah territory and subsequent state.

Brief history of the development America's Prisons

The penitentiary emerged as a "product of the social and humanitarian revolution"¹ of the 18th century enlightenment movement. The philosophical roots for America's prisons also came from this era. Rationalist reformers Montesquieu, Voltaire, and Rousseau stressed the concepts of equal and natural rights, for all men. However, it was the Italian Cesare Beccaria who applied these ideals to crime and produced the most influential work on criminal reform. His notable *Essay on Crimes and Punishments*, first published in 1764, stressed that prisoner reform could occur only in a humane environment which meted out equal punishment to all offenders. Meanwhile, English reformers Jeremy Bentham and John Howard pushed for legislation, during the 1770's, that would improve sanitary conditions in jails, provide systematic inspections, and establish punishments which were equal to the crime.² These men all recognized the brutality and inhumanity of

¹Blake McKelvey, American Prisons: A Study in American Social History Prior to 1915 (Chicago: University of Chicago Press, 1936), p.1.

²Harry E. Allen and Clifford E. Simonsen, Corrections in America: An Introduction, 4th ed., (New York: Macmillan Publishing Company, 1989), pp16-21.

the social systems that governed the treatment of criminals and other public offenders. They labored for penal reform in England, France and Italy.

Still, earlier concepts of inmate rehabilitation, humane and proportional punishment, and imprisonment instead of capital punishment, were introduced in the new world by William Penn. Penn, the leader of the Quakers, obtained in 1681 a charter from King Charles II to found the Quaker settlement of Pennsylvania. It was the Philadelphia Society for Alleviating the Miseries of Public Prisons, founded by the Quakers, that led the way in adopting humane criminal laws and establishing a "satisfactory penal system."³

The establishment and evolution of America's penal systems can be directly traced to three prevailing penal philosophies of the late 18th and early 19th centuries. These three philosophical plans were titled the Walnut Street Jail, the Pennsylvania System, and the Auburn System.

The first state operated prison in the new America was located in an abandoned underground copper mine at Simsbury, Connecticut in 1773. The facility was abandoned after it became the

³Ibid., p. 5.

site of the first prison riot in American history in 1774.⁴ But, it was not until 1790 that the first facility specifically designed for use as a correctional institution was constructed and occupied in Philadelphia, Pennsylvania. The facility, titled the Walnut Street Jail, was designed by the Quakers and incorporated many of the principles of William Penn. The facility also brought forth America's unique contribution to penology, the substitution of imprisonment for corporal punishments. The Walnut Street Jail incorporated two primary objectives for the management and treatment of its inmates. First, was the practice of keeping inmates separated from each other in single cells. This was designed to insure that inmates did not influence each other in negative or contrary ways. Prisoners were also isolated so that they may reflect upon their wrongdoing and seek repentance for their crimes. Secondly, inmates were isolated from their families, friends, and most of the staff of the facility. Only select staff and members of the clergy were allowed contact with prisoners. Interaction was prohibited because it was thought that contact with others would contaminate the inmates' mind and negatively impact

⁴Allen and Simonsen, Corrections in America, p. 27.

their repentance.⁵

The second prevailing philosophy of the era was titled the Pennsylvania system. It resulted from the development of the Western Penitentiary at Pittsburgh constructed in 1826. This system of convict management was predicated on the Walnut Street Jail, with one major difference. The Western Penitentiary provided inmates the opportunity to perform state sanctioned labor in their cells. This approach introduced industry for the first time into American prisons.⁶ The establishment of the Western Penitentiary also influenced the development of the Eastern Penitentiary, located in Philadelphia. This prison was built like a "square wheel, with cell blocks arranged like spokes around the hub, or central rotunda."⁷ The routine at the Eastern penitentiary called for solitary confinement for inmates while in their cells, silence and labor outside cells. The Eastern Penitentiary became the primary model

⁵Several excellent works which discuss the Walnut Street Jail exist including: Mckelvey, American Prisons, p. 6.; and, David J. Rothman, The Discovery of the Asylum: Social Order and Disorder in the New Republic (Boston-Toronto: Little Brown & Company, 1971), ch. 4.

⁶Allen and Simonsen, Corrections in America, pp. 34-5.

⁷Ibid.

and exponent of the Pennsylvania or 'separate' system .

The major shortcoming of the Walnut Street Jail and Pennsylvania system was enforced idleness, resulting in high rates of mental illness and disobedience among prisoners. In an effort to ameliorate both physical and mental conditions for its inmates, the state of New York constructed the Auburn Penitentiary in 1819. This system expanded the idea of prison labor both as a tool to defray prison costs; and as a method for rehabilitation of inmates, by occupying their spare time in pursuit of meaningful employment. Convicts were held in single cells and a strict regimen of silence was enforced when inmates were outside of their cells to work or eat. The silent system was designed to limit inmates opportunities to cross-infect each other or plan escapes.⁸

By the mid 1800's, both the Walnut Street Jail and Pennsylvania systems had been largely rejected in America, but were extremely popular in Europe. The Auburn system, with some modifications to the enforced silence, became the dominant model for most American penal institutions; this was due largely to the income that inmate labor produced for the facility. Yet, like most

⁸Ibid., pp. 37-48.

prisons today, politics, overcrowding, and lack of staff and finances led to the premature failure in the effectiveness of all three systems in America.

Although many of the idealistic principles of reformers, such as strict silence and isolation, were not adopted, a distinct American Penal system had been established. By 1855, the year the Utah Territorial Penitentiary was first occupied, thirty-eight state prisons had been constructed through out the United States, all designed to integrate the philosophies of punishment, discipline, and rehabilitation into their management. Yet, like so many other institutions in America at this time, the penitentiaries principal goals and services were male orientated.

Historically there have been few women inmates. Prior to the twentieth century, "less than one percent of America's prison population were women,"⁹ and, they were generally held in small isolated cells in men's facilities or provided housing in the Warden's quarters or other staff accommodations. While the earliest efforts of penal reformers successfully removed children and the mentally

⁹James A. Inciardi, Criminal Justice, 3rd ed., (San Diego: Harcourt Brace Jovanovich, Publishers, 1990), p. 571.

handicapped from America's prisons¹⁰; women inmates had to face the burdens of being housed in predominantly male penal institutions until the late 19th century.

The New York State prison at Sing Sing , constructed in 1825, dedicated a small wing of its facility to women, but, it was not until 1873 that the first facility specifically designed and constructed for women was established. On October 8, 1873, Sallie Hubbard became the first inmate of the first exclusively female prison in the United States, the Indiana Reform Institute for Women located in Indianapolis, Indiana. Sallie Hubbard entered a prison world far different than that afforded to men. With her shackles removed, she was shown to her room decorated with curtains instead of bars on the window, a new bedspread, and a pot of flowers. Ironically, Sallie had committed a violent crime, along with her husband she had murdered seven members of a pioneer family, yet her surrounding environment more resembled an institution of learning than an American prison.¹¹ The programs for

¹⁰Mckelvey, American Prisons, p, 8.

¹¹Estelle B. Freedman, "Sentiment and Discipline: Women's Prison Experiences in Nineteenth Century America," Prologue (Winter 1984): p. 249.

women inmates in these early reformatories were designed to rehabilitate through "female corrections." Reformers for women felt they could be "uplifted only through unique, feminine methods and domestic environments and by female staff."¹² The philosophies of reformers led to programs for women which instilled maternal and domestic principles. These ideals would be the basis for women inmate programs and services for nearly a century.

Yet, despite the efforts of women's prison reformers only four state facilities for women, located in Indiana, Massachusetts, and two in New York, were established during the next twenty years. Throughout the American penal system, women continued to endure the special burdens of being imprisoned in institutions that were grossly underfunded; not designed to accommodate them; and under the control of men who considered fallen women either beyond the hope of reformation or not requiring unique training or skills; and without advocates for their cause.¹³ These attitudes regarding

¹²Ibid.

¹³Nicole Hahn Rafter, Partial Justice: Women, Prisons, and Social Control, 2nd ed., (New Brunswick: Transaction Publishers, 1990), pp. xxvi-xxix.; and Estelle B. Freedman, Their Sisters' Keepers: Women's Prison Reform in America, 1830-1930, (Ann Arbor: University of Michigan Press, 1981), ch. 3.

women inmates have been pervasive throughout America's history and it was not until the early 1970's, and the women's movement, that the American Justice system began to look at women offenders in the same 'light' as men.

The Law In Early Utah

When the initial Mormon¹⁴ company of wagons arrived in the Salt Lake Valley on July 24, 1847, the Utah territory was still under the control of the government of Mexico. With the exception of fur trappers and an occasional expedition of the Mexican government, the region had never been colonized and no civil authority existed for the management of wrongful behavior. The region was under the control of the Mexican Provincial government located in California. But, in reality the first and only laws, legal enforcement and Judicial processes were administered by the leaders of the Mormon church.

Since its organization in 1830, the Church had presided over a portion of its laws or tenets outside the American legal systems

¹⁴The term 'Mormons' refers to members of The Church of Jesus Christ of Latter-Day Saints.

that existed at the time. Mormons who committed serious or violent crimes still answered to the federal government, but, in matters between members, the church generally officiated over the legal proceedings. While this practice had contributed to a general mistrust and hostility of the 'gentile'¹⁵ community outside the church, it had prepared its members and their leaders to establish and administer an Ecclesiastical system of justice required for the times.

The laws were directly tied to the teachings of the Mormon church and were administered through a series of church controlled organizations. Initially enforcement of the law was administered by the High Council, comprised of a President, two counselors and twelve members, all under the direct supervision and authority of Brigham Young, the President of the Church. As a court, their jurisdiction extended to all aspects of life, both civil and criminal, and members were strongly encouraged to bring their disputes before the High Council for resolution.¹⁶

¹⁵The name 'Gentile' as used by the Mormons applied to any non-member of the L.D.S. church.

¹⁶Rex Skidmore, "Penology in Early Utah," Utah Humanities Review (1948): pp. 145-50.

There were no Jails or Prisons in the territory and punishments generally came in the form of fines, restitution, public apologizes, and occasionally whippings.¹⁷ However, in extreme cases, offenders could be disfellowshipped, much like a probationary period, or even excommunicated from the church. The latter two sanctions were effective, in that as law abiding, God fearing members who had exhibited exceptional devotion and courage by leaving their homes and in some cases families, and, enduring the hardships associated with the trek from Iowa to the Salt Lake Valley, the act of being excluded from the organization and the people they were so closely associated with was undoubtedly an overpowering deterrent to committing serious crimes. Furthermore, since most of the region belonged to the same faith, there were few problems getting the valley's residents to accept the church courts decisions. Thus, faced with virtual isolation, and surrounded by other 'saints', the Mormons enjoyed a freedom from persecution unlike any previous time in their history.

The Utopia or "Zion," the Mormons had struggled so long and hard for was not to endure for more than two years. Two significant

¹⁷Ibid., pp. 149-150.

events would change the Mormon controlled Utah territory. First, on February 2, 1848, as a result of the United State's war with Mexico, the Treaty of Guadalupe-Hidalgo ceded the Utah region, among others, to the Government of the United States, thus returning the Mormon settlers to the jurisdiction of the United States.

The second significant event was the discovery of Gold near Sutters Mill in Northern California during 1849. This resulted in the migration of thousands of gold seekers through the Salt Lake Valley, which was the most direct and fastest route to California. The great gold rush resulted in the loss of isolation that the pioneers had enjoyed since their arrival in the Salt Lake valley.

On September 9, 1850 the Congress of The United States passed the Organic Act, creating the Territory of Utah, and once again the residents of the territory were inhabitants of the United States. The new territorial form of government brought many outsiders, non-mormons, who filled most of the appointed positions of the judicial body. Many appointees, who had never been west of the Mississippi, received high level governmental positions in Utah. With the advent of territorial government came a loss of much of the self government the Mormons had enjoyed in Utah. Territorial law

did, however, provide for the popular election of some government officials, including the governor of the territory,¹⁸ and, these positions were generally filled by residents of the region who were members of the Mormon church. The divisive and often hostile environment that existed between the two branches of government, the Judicial branch, non-mormon outsiders, and the Mormon controlled legislature, influenced the philosophy and administration of the territorial government. In particular, for purposes of this paper, the effect of this division on the prison system of Utah for the next one hundred and forty six years, spanning the territorial period and the first 100 years of Statehood, will be discussed.

The Development of the Utah State Prison

On March 3, 1853, three years after the creation of the territory and after continued prodding from the Mormon controlled legislature, the United States Government approved an appropriation of \$20,000 for the building of a Territorial Penitentiary in Utah. A site was selected on lots 10 - 11 in block 27, currently the site of

¹⁸James B. Hill, "A History of the Utah State Prison, 1850-1952" (Masters Thesis, Brigham Young University, 1952), pp. 29-30.

Sugarhouse Park and Highland High School, located approximately three miles south of downtown Salt Lake City. Construction was completed in late 1854 and the Penitentiary was declared ready for occupancy by A. W. Babbitt, the Secretary of the Treasury for the Utah Territory, in January 1855. The total cost of the project was \$32,000 (a \$12,000 supplemental appropriation was made by congress prior to completion of the project).¹⁹

The new Territorial Penitentiary consisted of a perimeter wall constructed from adobe, twelve feet high and four feet thick. A walkway encircled the top of the wall and watch towers were located on the four corners of the compound. The buildings included a residence for the warden, a workshop and a cell house. The warden's house located just outside the prison gates, would later be used to house women prisoners. Sixteen cells, made of iron bars were placed in pits excavated under the cell house. Because of a lack of ventilation and access problems, the cells were infrequently used during the early years of occupancy. Instead of the underground cells, the main floor of the cell house, a large open barracks arrangement, was utilized for housing most of the inmates. The

¹⁹ibid., pp. 41-4.

adobe structure proved to be a rather inadequate deterrent to escape, and since funding failed to provide for night guards, approximately twenty-five percent of all inmates incarcerated in the facility during the first twenty years of operation escaped.²⁰

The original penitentiary did not include areas for women. This was probably just an oversight based on the incidence of crime committed by women in the territory, but it proved to be functional for no woman was sentenced to the territorial penitentiary during the first twenty-eight years of operation.

The poorly built prison structure soon turned into a quite dilapidated condition. An 1857 fire burned down the workshop, while a portion of the prison house blew down in an 1858 rain storm. The ill treatment of prison property by its inhabitants also aided in the degeneration of the facility. As conditions worsened the ease of escape increased. During the first ten years of operation seventy-five prisoners had been admitted to the prison, of which only

²⁰Ibid., pp. 43-4.; and Richard Dale Van Orden, "A History of the Utah State Prison, 1950-1980" (Masters Thesis, University of Utah, 1981), p. 6.

seventeen served out their sentences.²¹ Many escaped due to lax prison guards and inadequate prison facilities. Funding for the prison continued to be minimal, prisoners, supposedly locked up in the penitentiary, prowled the streets of Salt Lake City stealing and committing other depredations. The prison remained in this most deplorable condition until improvement of the facility in 1888.

Religious and educational services came early in the history of the territorial penitentiary. In this respect, Utah was one of the original states, particularly in the West, to implement programs and services for the rehabilitation of convicts, these programs consisted of: Educational services that taught inmates to read and write, and employment training in farming and the workshops, which prepared inmates for life outside the prison. In 1860 a law passed by the Territorial Legislature authorized the warden of the prison to have convicts work on jobs outside the prison walls. This resulted in the first instance of contracted convict labor in the territory, a method of inmate labor predominate in the South. Inmates were

²¹A.P. Rockwood, Report with Extracts from the Congressional Acts of the United States Congress, the Legislative Journal and Laws of the Territory of Utah and a Concise History of Utah Penitentiary, Its Inmates and Officers. From the Year 1855 to 1878 (Salt Lake City: Compiled for and by the Request of Mr. H.H. Bancroft, 1878), p. 3.

hired out to local businesses to perform various services. Convicts of questionable character, sentenced to hard labor, received constant guard while laboring away from the prison.²²

In 1871 Congress passed an act which contained provisions that turned the penitentiaries that were the property of the United States over to the United States' Marshals in the territories "where said penitentiaries were located."²³ The territory would no longer act as the governing body over the penitentiary. All decisions and duties would now be run by the federal government. After some difficulties, due to stolen property and inmates contracted out to local businesses, the territory relinquished the prison to the federal government. The Utah penitentiary remained in control of the United States Government until 1896 when the facility became part of the newly formed State of Utah.

In 1882 the passage of the Edmunds Act, by the U.S. Congress, launched an all out crusade against Mormons and the practice of polygamy. Soon after passage of the Edmunds Act, raids by U.S. Marshals began in different parts of the Utah Territory. Warned

²²Ibid., pp. 4 & 17.

²³Ibid. p. 67.

beforehand of the raids, Mormon men went into hiding in an underground, so the Marshals started to conduct raids at night.

Prosecutions eventually jailed over one thousand men, and a few women, in the Utah territorial prison for polygamy and unlawful cohabitation.²⁴ Several inmates incarcerated for violation of the Edmunds Act kept detailed journals while in the penitentiary. Thus, a relatively descriptive history regarding prison conditions during the 1880's exists. Several themes appear throughout most of the journals. The condition of the penitentiary became a hot topic in many of the accounts. Few improvements had been made since the institution was first opened in 1855. The dilapidated adobe prison coupled with the problems of overcrowding and poor ventilation, caused Rudger Clawson, the first Mormon sent to the prison on polygamy charges, to write "It would be impossible to describe the feelings of intense repugnance that seized me...as I entered this awful place."²⁵ Ironically, a positive "stigma was attached to being

²⁴Stuart L. Grow, "A Study of the Utah Commission, 1882-1896" (Ph.D. diss., University of Utah, 1954), p. 268.

²⁵Rudger Clawson, "Penitentiary Experiences, 1884" TMs [photocopy], p. 4, Archives Division, Historical Department, Church of Jesus Christ of Latter-day Saints, Salt Lake City.

in the penitentiary," and "serving a prison sentence had all the aura and honor of a [church] mission."²⁶

The large number of Mormons sent to the penitentiary resulted in several consequences. The prison facilities became insufficient to accommodate the inmate population, which rose dramatically from inmates sent to the prison on polygamy and unlawful cohabitation sentences. This forced prison officials to petition the United States government for funds to increase inmate housing capacities and improve the degenerated facilities. The federal government awarded a contract to the Pauly Jail Building Company of St. Louis, Missouri to add a dining room, kitchen, bathroom, and cell house to the territorial facility. The additions were completed in 1888, at a total cost of \$50, 000.²⁷

While the new facilities improved some aspects of living conditions for inmates, they did little to alleviate the overcrowding problem the penitentiary still faced. In 1891, however, work was completed, again by the Pauly Company, on a new 120 bed cell house,

²⁶Melvin Bashore, "Life behind Bars: Mormon Cohabs of the 1880's," Utah Historical Quarterly 47 (Winter 1979) : p. 24.

²⁷Van Orden, History of Utah State Prison, p. 9.

hospital, warden's house, and new women's quarters.²⁸ The new facilities dramatically improved conditions for both inmates and prison officials at the territorial penitentiary. The years prior to statehood saw the federal government expend substantial funds to insure that the new state inherited a secure more modern prison.

The Enabling Act, which granted statehood to Utah, also meant that once again residents of the area controlled the penitentiary. "All lands and appurtenances of the U.S. Penitentiary became state property...on January 4, 1896."²⁹ The newly organized state legislature created a Board of Corrections to handle penitentiary affairs. The penitentiary at the time of statehood was far different from the one that the territory handed over to the federal government in 1871. New and improved facilities meant, at the turn of the 19th century, that Utah could boast of one of the finest penitentiaries in the Western United States. The remainder of this work will shift focus to the discussion of Utah's efforts to provide penitentiary services to its incarcerated women.

²⁸Ibid.

²⁹Ibid., p. 10.

History of Women and Prisons in Utah

The history of prison facilities, programs, and services for women in the Utah territory and subsequent state, is far different than that afforded men. Utah's history regarding women prisoners closely mirrors what occurred on the national level. Like Utah, most prisons for women nationally grew out of men's penitentiaries, "starting from a separate room for women."³⁰ Generally women offenders in Utah, and the nation as a whole, were predominately petty offenders that committed crimes against social order. Minor percentages of women inmates in Utah or the nation were violent offenders.

Although the penitentiary began operation in 1855, it was not until 1883 that women were first sent to the then United States controlled penitentiary. However, prison commitment registers only date back to 1875, and even then they failed to classify inmates according to sex, thus, the 1883 date for the first female inmate remains an educated assumption based on a few factors. Women inmates can be identified from the commitment registers by name and occupation, for example, there were few if any female miners in

³⁰Rafter, Partial Justice, p. xxvi.

1875. But, several pages of the registers are illegible, and if a woman inmate appeared on that particular page she would go unnoticed by even the most diligent historian. Thus, the numbers for female inmates during the territorial period cannot be considered exact.

In May of 1883 Belle Harris, from Marysvale Utah (a small town near Beaver), was sentenced to four months imprisonment for contempt of court. Belle had been one of three wives to Clarence Merrill whom she had given birth to a child with and recently divorced. Non-Mormon neighbors of her Marysvale home had reported her to the County Sheriff as a possible witness against her former husband on polygamy charges. However, upon summons to appear in court, Belle refused to answer prosecutors questions regarding "if she had ever been married, where and to whom."³¹ A federal judge gave Belle one last chance to answer before the grand jury, warning her she would be charged with contempt and sent to prison if she

³¹The information concerning Belle's imprisonment comes from "A Brief Life Sketch of Isabella Maria Harris, p. 3" an introduction to the journal Belle kept while in prison, compiled by Madeline Merrill Mills, a descendant of Belle's. The journal is held at the L.D.S. church archives in Salt Lake, however, the copy used by this author was acquired from Joe Borich Director of the Utah State Prison Training Academy. Mr. Borich received his copy from Ms. Mills.

refused to answer. She gave no reply, and with her infant son in her arms she was sentenced, taken into custody, and transported to the territorial prison.

The conditions Belle met upon arrival to the penitentiary, and the excitement caused throughout the community by her incarceration, suggest that indeed she was the first female inmate, at least for a substantial term of incarceration. Madeline Mills credits Belle with "the distinction of being the first woman prisoner in the Utah Penitentiary."³² Furthermore, there was no facility specifically designed to house female inmates when Belle arrived at the penitentiary on May 18, 1883. She spent her first three weeks housed in the dining hall until a room was constructed outside the prison walls, presumably in the warden's accommodations.³³ Belle never actually records where her room was constructed only that she was not "confined within the walls of the penitentiary."³⁴ As a result of her incarceration, Belle became the subject of numerous reports in local and national newspapers

³²Mills, "A Brief Life Sketch of Isabella M. Harris," p. 3.

³³See Belle Harris Journal, pp. 42-7.

³⁴*Ibid.*, p. 48.

concerning the circumstances surrounding her imprisonment. This excitement suggests that female prisoners were unusual in the territory at this time. Finally, Belle is the first female name which appears in the prison commitment registers. All of these factors make a strong case that Belle was indeed the first woman incarcerated in Utah's prison.

However, the female inmate population doubled barely a month after Belle's arrival, when Mrs. P. Humphreys was sent to the prison on bigamy and prostitution charges. Both women were housed in the same room much to Belle's disapproval, she writes "it is more than I can bear to be shut up with a common prostitute."³⁵ Ironically, Mrs. Humphreys had her eleven month old baby with her during her prison stay. This situation highlights a distinct characteristic of women's prisons in the late 1800's, two inmates along with their infants confined to the same room. Comparing the length of sentence of these two female inmates illustrates federal judges hostility to Mormons of the territory. Mrs. Humphreys served less than a month for her crime, prostitution, while Belle was confined over three months for contempt of court.

³⁵ibid., p. 56.

From the time of Belle's incarceration up to statehood in 1896 nearly one hundred women were sentenced to serve time in the territorial penitentiary.³⁶ Yet, during the same time frame after statehood less than a fourth of the amount of women were incarcerated. Clearly federal judges, sent to work in the territory, sentenced higher rates of women to prison than did judges of the young State of Utah. In 1891, the year the new women's quarters was completed at the penitentiary, fourteen women served time in the facility. After statehood that number of female inmates in a single year was not reached until the 1960's. The high water mark was reached in 1895, when at one point fifteen women inhabited the women's facility at the same time.³⁷ However, once Utah gained statehood women inmates all but disappear from the penitentiary.

Typically, only three or four inmates were sent to the prison each year. These low numbers meant corrections officials established few, if any, specific programs and services for women inmates. The women prisoners were placed under the supervision of

36Corrections Department, "Prison commitment registers, 1875-1918" [microfilm], reels 1-4, Utah State Archives & Records Service, Salt Lake City.

37Ibid., reel 3.

matrons who counseled them and led them in homemaking activities such as sewing. Prison officials aim was to prepare fallen women to be helpmates once outside the prison walls. Little changed for Utah's female inmate population over the course of the next thirty years. They were simply neglected or placed in remote corners of the penitentiary, much like other women inmates across the country.³⁸

In 1937 the state legislature passed three resolutions that would dramatically change the penitentiary system. First, funding for the construction of a new Prison at Draper was passed. Then, along with the creation of Utah's first Adult Probation and Parole division, the legislature also enacted laws to make Utah a member of the Western Interstate Compact Agreement. This agreement between the existing eleven Western States, provided a transfer system for inmates between the member states. (Since 1937 the Compact Agreement has been expanded to include all fifty states, the Federal Bureau of Prisons and the Territories of Guam and Puerto

³⁸Rafter, Partial Justice, p. xxvii, argues that as women became separated from men's prisons, women prisons developed characteristic traditions of inmate neglect and the further they were moved the more women were cut off.

Rico).³⁹

The possibilities of shipping Utah's women inmates out of state, to serve out their sentences, was quite attractive to corrections officials. By 1938, conditions for women inmates had deteriorated to the point that the state could no longer continue beneficial services to women at the Sugarhouse site. Thus, in anticipation of the completion of new prison facilities, Utah, in conjunction with the State of Colorado, decided to transfer women inmates to the Colorado Penitentiary for women, located at Canon City. Under terms of the newly organized Compact Agreement, Utah's women inmates were housed, along with Colorado prisoners, "at the cost of one dollar a day per person,"⁴⁰ until the new prison facility was completed.

This condition of imprisonment created many hardships for both the women inmates and the Utah Prison system. Upon sentencing to the prison, women inmates were transferred under escort of prison personnel, by either car or train, to the Canon City

³⁹Former Utah State Prison Warden Kenneth V. Shulsen, interview by author, 20 September 1995, Salt Lake City.

⁴⁰Utah, Board of Corrections, Biennial Report, 1938, p. 11.

facility, at Utah's expense. Consequent to completion of their sentence, prisoners were returned to Utah, again under escort of Utah Prison personnel. This process was costly and generally required two or three days to complete the transfer process.

Furthermore, women inmates were denied routine access to spouses, children, other family member and friends, during their period of incarceration. Visitation required the visitor to travel, at his or her own expense, to Canon City, and typically visits were limited to only a few hours per day.⁴¹

The state soon realized the problems associated with this alternative form of incarcerating Utah's women, however, it was anticipated that this practice would last for only two or three years. The completion of the new penal facility would return procedures back to normal. Yet, construction schedules were delayed for ten years, due to lack of funds during World War II, and, the practice of housing women in Colorado continued for nearly twenty years.

The Prison facility at Draper, Utah, finally opened in March of 1951 when 575 inmates moved to the unfinished site because of crowded conditions at the old prison. But, it was not until 1957 that

⁴¹Shulsen, Interview.

women inmates began being housed at the site. This was the result of several factors. As mentioned previously, inmate populations had grown well beyond either the numbers projected in 1937 or the new facilities' capacity. Moreover, construction funding shortfalls resulted in only two of the scheduled three major cell house units being completed. The result was a new facility designed to serve the needs of over 600 inmates being opened with overcrowding caused by 575 original prisoners.

The new facility also experienced a series of inmate riots, turn over in administrators, and reorganization by the Governor and legislature. So as had been the case since the admission of the first inmate in 1883, women were simply shuffled aside to wait until it became 'convenient' for the state to provide services for them. In 1957, the portion of the administration building which had previously been constructed for occupancy by the warden and his family was renovated to accommodate women inmates.⁴² This ended Utah's participation in the Western Interstate Compact Agreement, and, returned women inmates from the Canon City facility.

In 1958, the newly created Division of Corrections requested

⁴²Ibid.

from the legislature funds for construction of the first ever prison facility in Utah, specifically designed to provide both housing and program services for women. Funding was provided and construction completed in 1960. On September 16 of that year, eight women were transferred to the new unit. This unit was a milestone for women in Utah prisons.⁴³

The new women's facility was designed to house up to thirteen inmates, in six large bedrooms, which included toilets and one holding cell. The building also included areas and equipment for food services, outdoor exercise, education, medical services and visiting. The facility was both secure and comfortable and was considered to be a model for women's prisons in the Western States. Finally, for the first time in Utah history, women took their place alongside men as virtual equals in the penitentiary system.⁴⁴

With the exception of war time periods, the history of prisons in America, Utah in particular, has been one consisting of a cycle of four phases; construction of correctional facilities, growth in

⁴³Former Director of Programs and Services for Women Inmates at the Utah State Prison David R. Franchina, interview by author, 2 November 1995, Salt Lake City.

⁴⁴Ibid.

inmate populations, overcrowding, and then more construction.

Utah's new women's prison was to be no exception.

The establishment of the new facility designed to accommodate women prisoners provided humane conditions and a wide range of program services for women inmates. The chief aim of the original programs for women were to improve their homemaking skills, and prepare them to be better "helpmates" to their husbands. The judges of Utah began to view these programs as a valuable and ultimately positive tool for the management of convicted criminals, who happen to be women. Consequently, incarceration rates and length of sentence for women increased.⁴⁵ By 1964 the 'new' women's facility was overcrowded, and, conditions for women within it were deteriorating because the women's prison was not designed to accommodate its number of incarcerants.

In response to the situation, the Division of Corrections requested funds for expansion of the women's facility. Once again, the state legislature honored the division's request and provided funding for a twelve bed expansion to the facility. This expansion

⁴⁵Utah, Board of Corrections, "Minutes," January 16, 1964.

was completed in 1966, increasing the Women's prison capacity to twenty-five.⁴⁶ The Board of Corrections had appointed its first female member, Beverly White, a year prior to expansion in hopes of developing more specific programs for women. The appointment of White meant women inmates needs would receive equal attention from the Corrections Department.⁴⁷

In 1967, another critical step was taken by the state in the evolution of correctional facilities for women. Prior to this time, staff for the women's units consisted of a limited number of female employees titled matrons. The administrative and program responsibilities for women were secondary, and generally minor, duties of the male inmate administrators.⁴⁸ (it was not until the late 1970's that the 'matrons' were upgraded in pay and title, corrections officer, equivalent with their male counterparts) On July 1, 1967 funds were provided to hire the first professionally trained administrator specifically for the women's program.

With the hiring of David R. Franchina in 1967, to direct the

⁴⁶Van Orden, History of Utah State Prison, p. 98.

⁴⁷Utah, Board of Corrections, Minutes," January 21, 1965.

⁴⁸Franchina, Interview.

programs and services for women inmates, the lack of interest and objectives for womens' services was eliminated. Furthermore, the direction for the future of Utah's women's prison services, which has lasted to the present, was established.

Mr. Franchina was a 1964 graduate of Utah State University majoring in Sociology, and had received his Masters Degree in social work from the University of Utah. His scheduled duties included the development of programs and services specifically designed to meet the needs of inmates to assist them in their rehabilitation.⁴⁹ By the early 1970's, while under Franchina's direction, the Utah State Prisons' women's facility developed several programs which were, and still are, recognized nationally for their innovation and effectiveness in providing for the unique needs of incarcerated women. These programs aimed at giving women higher education opportunities, work experience for future employment, and skills to enable them to develop independent lifestyles upon their release from prison. A 1975 study by a team of federal corrections officers rated the women's facility and programs "outstanding" in every

⁴⁹Ibid.

respect.⁵⁰ Utah became one of the first states in the establishment of such specialized programs as parenting and child care skill training, education and job training, religious education and services, temporary work, school, and family release programs, and medical and health care for women.⁵¹ The penitentiary experience would prepare women for an independent lifestyle once released, rather than simply training to be a companion or helpmate.

As a result of the expanding programs for women, planning efforts, that identified a wide range of specialized needs generally required by women upon release from prison, resulted in the establishment of the first state operated halfway house for women. In 1976 a contract was negotiated with the YWCA located in Salt Lake City. The third floor was provided to Corrections for the purpose of housing women offenders nearing release from prison, to provide a more successful transition from institutional to community life.⁵² In addition, the entire range of YWCA programs was made available to assist the inmates in developing an

⁵⁰Salt Lake Tribune, 1 January 1976, p. B1.

⁵¹Franchina, Interview.

⁵²Shulsen, Interview.

independent and legal lifestyle.

Yet, in spite of these efforts, by the early 1980's the traditional cycle of developing new facilities, growth in inmate populations and then overcrowding, resulted in the need for expanded institutions for women inmates. In 1982, despite objections by the warden of the Utah State Prison, concerning the design to be used and the number of beds provided, funds were allocated by the State Legislature to build a new facility for women. The facility selected for construction was an 80 bed prototype design that had been developed some years earlier as a halfway house for men.

Warden Kenneth V. Shulsen had been appointed just a few months prior to the decision to construct the new facility. He was both the youngest warden in the state's history and the last to serve as the statutorily created Legal Executive of the Utah Prison System.⁵³ Furthermore, as the name suggests, Warden Shulsen is the father of the author of this work. Warden Shulsen did not take exception to the construction of a new facility for women. He objected to the design to be utilized, as both too small and insecure to meet the needs of a growing and more violent inmate population.

⁵³Ibid.

A report a few years prior had illustrated the fact that the crime rate among women was increasing at four times the rate of crime among men.⁵⁴

Shulsen, along with other prison officials, had lobbied the legislature, in spite of recommendations from the Department of Social Services in which the prison was administratively located, for a larger and more secure facility for women. However, their efforts were unsuccessful and in 1983 women inmates were relocated to a new 80 bed facility located at the Draper prison site. The original women's prison, constructed in 1960, was remodeled and utilized for administrative purposes, specifically training, until demolished to make room for a new prison administration building. The new women's facility housed the inmates in non secure two person rooms instead of cells. The building was constructed much like the average home with wood and sheetrock as opposed to concrete walls and iron bars. Utah's male dominated Corrections had established the stereotype that women offenders were less violent and did not require the same rehabilitation efforts and secure facilities as males. The new facility was a direct result of this line

⁵⁴Salt Lake Tribune, 14 April 1976, p. B3.

of thinking.

Warden Shulsen's protests regarding the new facility proved to be accurate. By 1986, just four years after construction, the 80 bed unit had been outgrown and was unable to provide secure care for the ever growing violent women's population. The females who inhabited the facility proved to be quite similar to their male counterparts. Much of the interior had become severely destroyed and prison officials were having problems segregating the inmate population. So yet again, the cycle of penology was completed, and in 1988 a new secure 132 bed facility, designed to expand to 276 beds, was constructed. The 80 bed unit has since been transferred to the Utah Division of Youth Corrections for use as a minimum security work camp for juvenile offenders.⁵⁵ Currently, women inmates remain housed in the 132 bed facility at Draper. However, continued rise in the rates of female offenders means the cycle of penology will be repeated once again in Utah.

By the centennial year of 1996 women's prisons house over 160 inmates, and this number continues to rise at a far greater rate than men's totals. The state of Utah today provides a wide variety

⁵⁵Shulsen, Interview.

of correctional services for women. In addition to a full range of community based programs utilizing probation and parole services, the Utah department of corrections provides housing and programs for women at a private pre-release center. Opened during 1995, the facility dedicates 40 beds for women nearing release or those incarcerated for short term parole violations. In addition in 1996 the corrections will open a new co-ed halfway house in Ogden which will provide 40 more beds for women, in addition to 80 for men, as conditions of probation and parole agreements. In 1994 temporary modular housing was put in place adjacent to the new 132 bed center, there 40 beds house minimum security inmates as temporary measure to hold convicts until new or expanded prison beds for women can be provided. Furthermore, a new county jail, Sevier in Richfield Utah, provides 20 beds to Utah Corrections for the department to contract out to women inmates from that part of state. Moreover, as this paper is being written, the 1996 general legislative session is considering a request by the department of corrections to provide the 144 bed expansion to the women's prison at Draper. A portion of the beds would be designated for housing minimum security inmates dormitory style. Yet, the legislature is

debating whether to build the addition, or construct a new 300 bed facility.

From the territorial days until the 1970's women were more or less considered a nuisance in Utah's correctional system, a dependant partner in relation to men. Most programs for women focused on domestic training to help them become better mothers. Small female inmate populations also meant they were never seriously provided programs or housing, specific to their needs. Finally, once numbers of women inmates rose, officials began to address them as independent from males, and provide specific training for them to prepare them for an independent life outside of prison. These changing women's values and attitudes throughout the country have placed women in non traditional roles and witnessed women committing violent crimes like never before. Consequently, the incarceration growth rate nationally, for women, is substantially higher than that for men. Utah and the rest of the country are seeing more women coming to prison and staying longer. Because of these factors, the penitentiary system in this country now contains an entire range of services specifically for women. After nearly two centuries of American prisons, women inmates are

no longer just an adjunct for men's facilities.

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